

### **REMARKS**

This paper is being submitted in response to the Office Action mailed on March 3, 2010. Claims 22-25, 31-33, and 45 are pending. Claims 22-25 and 31-32 are rejected. Claims 33 and 45 are allowed. Claim 22 is amended herein and new claims 46-50 are added. Applicant respectfully requests reconsideration of claims 22-25, 31-33 and 45-50 in view of the preceding amendment and following remarks.

Applicant thanks Examiner Addisu for the telephone interview of April 14, 2010, during which the Examiner explained her reasoning for the rejection based on Hollingsworth.

#### **I. CLAIM OBJECTIONS**

Claim 22 is objected to because of the recitation “fastening mechanism positioned on or between said first panel and said first cover.” The Action requested Applicant to specify for the one option, if the fastening mechanism is on the first panel or on the first cover. A similar request was made regarding the recitation for the second fastening mechanism. With the current amendment to Claim 22, the recitations of position for the fastening mechanism have been moved to new dependent claims 48 and 49 which are discussed below under “New Claims.” Applicant respectfully requests withdrawal of the objection to claim 22.

#### **II. CLAIM REJECTIONS UNDER USC 103**

Claims 22-25, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth (US 6,837,346). Applicant traverses the rejection.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *See, M.P.E.P. § 2143.03 (citing, In re Royka, 490 F.2d*

981, 180 USPQ 580 (CCPA 1974)). Amended claim 22 recites, in part “said first panel being larger than said opening and at least portions or tabs of said rear panel extending outwardly beyond said opening.” Support is found in the specification at page 4, lines 26-27 and page 5 lines 16-17. Such a structure is not taught or suggested by Hollingsworth. The failure of Hollingsworth to teach or suggest the structure precludes an obviousness rejection based on Hollingsworth. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 22.

Claims 23-25 and 31-32 depend from independent claim 22. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. See, M.P.E.P. §2143.03 (citing, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”)). Applicant respectfully requests withdrawal of the obviousness rejection of claims 23-25 and 31-32.

## **II. NEW CLAIMS**

New claims 46-50 are added.

New claim 46 recites in part that “said pocket may be opened from either of said first and second sides by releasing only one of said first and second releasable fastening mechanisms.” Hollingsworth does not appear capable of such access. New claim 46 is supported by the specification from the end of page 3 through page 5. The front panel fastening mechanism is described starting at page 3 line 30 through page 4 line 21, with reference to Fig. 2.

The rear panel fastening mechanism is described starting at page 4 line 29 through page 5 line 22 with reference to Fig. 3.

New claim 47 is supported in the Specification at page 4, line 22, “As shown in Fig. 5, the

rear panel 42 may have a size greater than the opening 34.”

New claims 48 and 49 are presented as dependent claims. Claim 48 recites, in part, “said first releasable fastening mechanism positioned at least partly on said first panel, or positioned between said first panel and said first cover” and claim 49 recites, in part, “said second releasable fastening mechanism positioned on at least one of said second panel and said first cover, or between said second panel and said first cover.”.

The claim 48 recitation for the first fastener is supported in the specification at page 3, line 30: “The front panel 40 of the pocket 36 includes at least part of a front panel fastening mechanism...” The claim 49 amendment for the second fastener is supported in the specification at page 4 line 30, through page 5 line 3 as follows “As shown in Fig. 3, the binder 10 may include a rear panel fastening mechanism 60 which may include an attachment flap 62 fixedly coupled to the inner surface 20 of the front cover 12. The attachment flap 62 includes a strip of hook-and-loop fastening material 64 (such as VELCRO®) located thereon. As shown in Fig. 4, the rear panel 42 of the pocket 34 may include a corresponding patch 66 of hook-and-loop fastening material.”

New claim 50 is supported by the Specification at page 4, line 28.

## **II. ALLOWABLE CLAIMS**

Applicant thanks Examiner for indicating that claims 33 and 45 are allowable.

### CONCLUSION

Claims 22-25, 31-33, and 45-50 are believed to be in condition for allowance, and an early notice thereof is respectfully requested. Should the Examiner determine that additional issues exist which might be resolved by a telephone conference, they are respectfully invited to contact the Applicant's undersigned representative.

The Director is hereby authorized to charge any additional fees or underpayments of fees under 37 C.F.R. §§ 1.16 and 1.17, or to credit any overpayments, to Deposit Account Number 13-2500. Applicant is a large entity.

Respectfully Submitted,

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